

ESTTA Tracking number: **ESTTA453013**

Filing date: **01/25/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201229
Party	Defendant Vitamin Shoppe Industries Inc.
Correspondence Address	TODD BRAVERMAN PEARL COHEN ZEDEK LATZER LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036 UNITED STATES trademarks@pczlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Todd Braverman, Esq.
Filer's e-mail	tm-uspto@pczlaw.com
Signature	/tjbraverman/
Date	01/25/2012
Attachments	Joint Vitality -Second Motion to Extend Trial Deadlines.pdf ( 3 pages )(99100 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Application No. 85071988

----- x	
MELALEUCA, INC.,	)
	)
Opposer,	)
	)
v.	)
	)
VITAMIN SHOPPE INDUSTRIES INC.,	)
	)
Applicant.	)
----- x	

Opposition No 91201229  
U.S. Application No. 85071988  
Mark: JOINT VITALITY

ATTN: Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**SECOND MOTION FOR AN EXTENSION OF  
DISCOVERY OR TRIAL PERIODS WITH CONSENT**

Applicant, Vitamin Shoppe Industries Inc., through its counsel, hereby moves the Trademark Trial & Appeal Board to extend the time for the parties in the above opposition proceeding to exchange initial disclosures for sixty (60) days from January 1, 2012 and all subsequent discovery and trial dates for thirty (30) days from the dates listed in the TTAB Order dated December 9, 2011 in accordance with the below revised trial schedule:

Initial Disclosures:	March 1, 2012
Expert Disclosures:	June 22, 2012
Discovery Closes:	July 22, 2012
Plaintiff's Pretrial Disclosures:	September 5, 2012
Plaintiff's 30 Day Trial Period Ends:	October 20, 2012
Defendant's Pretrial Disclosures:	November 4, 2012
Defendant's 30 Day Trial Period Ends:	December 19, 2012
Plaintiff's Rebuttal Disclosures:	January 3, 2013
Plaintiff's 15-day Rebuttal Period Ends:	February 2, 2013

This time is needed in order for each party to confer with their respective clients and allow additional time to discuss discovery related matters and the possibility of settlement.


The foregoing motion is not being filed for the purpose of mere delay of the proceedings and favorable consideration of this request is respectfully solicited.

Applicant has secured the express consent of all parties to this proceeding for the extension and resetting of dates requested herein.

Dated: New York, New York  
January 25, 2012

Respectfully submitted,

By:

  
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Todd Braverman, Esq.  
Pearl Cohen Zedek Latzer LLP  
1500 Broadway, 12<sup>th</sup> Floor  
New York, New York 10036  
(646) 878-0820  
Attorneys for Applicant  
Vitamin Shoppe Industries Inc.

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**CERTIFICATE OF FIRST-CLASS MAIL SERVICE**

I hereby certify that a copy of the foregoing "SECOND MOTION FOR AN EXTENSION OF DISCOVERY OR TRIAL PERIODS WITH CONSENT" was mailed first-class mail, postage prepaid, to Krista Weber Powell, TraskBritt, P.C., 230 South 500 East Suite 300, Salt lake City, UT 84102, attorneys for Opposer, this 25th day of January, 2012.

Date: January 25, 2012



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Todd Braverman Esq.